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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/785,666	02/23/2004	Raymond Lee Lavoie JR.	03012US	2681

61611 7590 08/29/2006

ROHM AND HAAS ELECTRONIC MATERIALS  
CMP HOLDINGS, INC.  
451 BELLEVUE ROAD  
NEWARK, DE 19713

EXAMINER
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MULLER, BRYAN R

ART UNIT	PAPER NUMBER
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3723

DATE MAILED: 08/29/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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<b>Advisory Action</b> <b>Before the Filing of an Appeal Brief</b>	<b>Application No.</b> 10/785,666	<b>Applicant(s)</b> LAVOIE ET AL.	
	<b>Examiner</b> Bryan R. Muller	<b>Art Unit</b> 3723	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 18 August 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires \_\_\_\_\_ months from the mailing date of the final rejection.  
 b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

#### AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
 (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
 (b) ☐ They raise the issue of new matter (see NOTE below);  
 (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
 (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

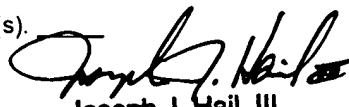
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
 5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
 6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
 7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
 The status of the claim(s) is (or will be) as follows:  
 Claim(s) allowed: \_\_\_\_\_.  
 Claim(s) objected to: \_\_\_\_\_.  
 Claim(s) rejected: 1-10.  
 Claim(s) withdrawn from consideration: \_\_\_\_\_.

#### AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
 9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
 10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

#### REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
 12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).  
 13. ☐ Other: \_\_\_\_\_.

  
 Joseph J. Hail, III  
 Supervisory Patent Examiner  
 Technology Center 3700  
 8/24/06

Continuation of 11. does NOT place the application in condition for allowance because: The examiner maintains the rejections of claims 1-10 under Tsuchiya et al. in view of Kurata et al. The applicant's argument that the rejection is based on materials selected from a large number of possibilities is not persuasive. The Tsuchiya reference, provided as the base reference, does provide many different options for each ingredient in the composition. However, because this is the base reference, each possible combination is merely considered to be a species of the invention. The applicant's argument that the water-soluble polymer is selected from over 30 polymers is also non-persuasive because the PVA, which the examiner selects, is listed as one of 9 "especially preferable" polymers (paragraph 45, lines 28-32) and PVA is specifically used in example 4. Therefore, although several polymers are listed, it would have been more obvious to use PVA than most of the other polymers due to the additional stress placed on PVA by Kurata. The mention of benzotriazole with reference to the Kurata reference is not meant to select the benzotriazole from the many film forming agents but merely to provide additional support that the combination would provide the desired effects, disclosed by Kurata, when applied to the Tsuchiya composition due to the possible inclusion of benzotriazole in the Tsuchiya reference. Thus, the examiner is merely taking the teaching of the addition of PVA, which is disclosed as an especially preferred example by Kurata, and applying it to any or all of the embodiments disclosed by Tsuchiya, which will obviously provide a composition that is equivalent to the applicant's claimed composition, as discussed in the previous office action. The applicant's argument that the combination does not provide the same motivation or disclose the same advantages is also non-persuasive because the combination of references does not need to provide the same motivation disclosed by the applicant. The references clearly provide motivation to combine, which provides a composition that is equivalent to the applicant's claimed composition. Finally, the argument that the references do not disclose the benefits achieved with the combination is also non-persuasive. As discussed in the prior office action, the benefits, as claimed are merely describing an inherent property of the claimed invention. Thus, the composition that is reached through combination of references, that is equivalent to the applicant's claimed composition, will also inherently possess the same properties.